

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

I&CAD Department – Work Charged Establishment – Provision of compassionate appointment to the son/legal dependant of Sri D. Balaiah, Man Mazdoor (retd. on medical invalidation) in relaxation of the rule at para (15) of G.O.Ms.No.661, G.A. (Ser.G) Department, dated 23.10.2008 as a special case – Orders Issued.

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IRRIGATION & CAD (Ser.V.2) DEPARTMENT

G.O.Ms.No. 21,

Dated: 22-04-2014.

Read:-

From the Engineer-in-Chief (IW), I&CAD Department, Hyderabad Lr. No.ENC/IW/P&M/EE.III/W2/7520/2013, dated 15.05.2013.

-X-X-X-X-X-

ORDER:-

The Engineer-in-Chief (IW), I&CAD Department, Hyderabad in the reference read above has reported that, Sri D. Balaiah, Man Mazdoor, (DoB: 01.07.1956 & DoR: 30.06.2016) had applied for medical invalidation due to the disease of “Dementia-mental Disorder” which is covered in Para 16(i)(g) 4 of G.O.661, G.A. Dept., dt.23.10.2008. The Dist. Medical Board has issued medical report on 05.04.2011 that, “Sri D. Balaiah, Man Mazdoor, to be completely and permanently incapacitated for further service of any kind in the department to which he belongs in consequence of “Depressive Psychotics with Dementia” disease. His incapacity does not appear to have been caused by irregular or intemperate habits”. But, the Dist. Level Committee, Karimnagar which met on 30.06.2011 physically examined the applicant and rejected the case on the ground that he was fit for duty, without considering the Dist. Medical Board report and as on that date, the individual had a left over service of (5) years. Later on, the Dist. Level Committee, Karimnagar re-examined the case and by taking into consideration the Dist. Medical Board report had permitted the individual to retire on medical invalidation pension w.e.f. 27.08.2011 and by this date, the individuals left over service was (4) years & (10) months. Hence, his dependents could not be provided compassionate appointment due to short fall of 2 months in left over service (5) years as prescribed in G.O.661, G.A. Dept., dated 23.10.2008. Aggrieved the individual approached the Hon’ble APAT and filed O.A. No.7520/2012.

2. The Hon’ble APAT in its orders dated 25.09.2012 in O.A. No.7520/2012 has observed that, *“as the delay is on the part of the respondents in taking decision, though the Medical Certificate issued by the Medical Board was available by 30.06.2011, the respondents without taking into account that certificate erroneously rejected the request of the applicant. Hence, the 1st applicant cannot be deprived of the benefit of getting employment to the 2nd applicant on compassionate grounds, as he was retired on medical grounds. In these circumstances, the impugned orders dated 08.7.2011 and 02.9.2011 issued by the 1st respondent are set aside. The respondents are directed to reconsider the entire issue in view of the above observations made by this Tribunal in this order and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order”.*

3. The Engineer-in-Chief (IW), I&CAD Dept., Hyderabad has finally requested the Govt. to issue orders in the matter.

(P.T.O.)

4. In view of the circumstances stated above and Government after careful consideration of the entire matter, the Engineer-in-Chief (IW), I&CAD Dept., Hyderabad is hereby permitted to provide compassionate appointment to the son/legal dependant of Sri D. Balaiah, Man Mazdoor (retd. on medical invalidation) in relaxation of the rule at para-15 of G.O.Ms.No.661, G.A. (Ser.G) Department, dated 23.10.2008 i.e. one should have left over service of (5) years as on the date of orders permitting the individual to retire from service on medical invalidation and as per Hon'ble APAT orders dated 25.09.2012 in O.A.No.7520/2012, subject to the son/legal dependant's suitability & educational qualification.

5. The Engineer-in-Chief (IW), I&CAD Department, Hyderabad shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

V. NAGI REDDY
PRINCIPAL SECRETARY TO GOVERNMENT (P)

To
The Engineer-in-Chief (IW), I&CAD Dept., Hyderabad.
Copy to:
The District Collector, Karimnagar.
The Superintending Engineer, G.V.Circle No.IV, LMD Colony, Karimnagar.
S.f. / S.c.

//Forwarded By Order//

SECTION OFFICER